

4-904. Petition by owner for restitution.

[Sections 47-8-42 and 47-8-46 NMSA 1978]

STATE OF NEW MEXICO

COUNTY OF _____
_____ COURT

_____, Plaintiff

v.

No. _____

_____, Defendant

PETITION BY OWNER FOR RESTITUTION
(Uniform Owner-Resident Relations Act)

The plaintiff alleges:

1. Plaintiff is lawfully entitled to possession of the premises located at¹:

_____, New Mexico _____.

2. Defendant entered into possession of the premises under a rental agreement and has breached the terms of the agreement, as follows:

_____.

3. Plaintiff gave written notice of

[] termination

☐ breach of the rental agreement

to defendant on _____, ____ (*date*), and defendant has failed to remedy the breach.

A copy of the written notice is attached as Exhibit A.

(check and complete if applicable)

☐ 4. Defendant is indebted to plaintiff in the sum of \$_____ for unpaid rent, plus \$_____ rent per day to date of restitution, plus damages as determined by the court.

☐ 5. Plaintiff holds \$_____ of defendant as a damage deposit under the rental agreement.

☐ 6. Plaintiff requests separate trials on the issues of restitution and damages.

Plaintiff requests judgment against defendant, as follows:

1. Immediate possession of the premises;
2. Unpaid rent of \$_____, plus \$_____ per day to date of restitution;
3. Damages as may be determined by the court;
4. Costs of this action;
5. Reasonable attorneys fees;
6. A civil penalty as provided by law;
7. Such other relief as the court may deem reasonable.

Dated: _____

Signed

Name (*print*)

Address (*print*)

City, state and zip code (*print*)

Telephone number

USE NOTES

1. If the leased premises is an apartment, include the name of the apartments and the apartment number.
2. The owner must bring a copy of any written rental agreement to court for the hearing on the petition for restitution.

[Former Rule 4-905 SCRA 1986; recompiled as Rule 4-904 and amended, effective September 2, 1997; April 6, 1998, as amended by Supreme Court Order No. 05-8300-05, effective March 21, 2005.]